

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

BECKY A. WILLIAMS,	:	
Plaintiff,	:	Case No. 3:06CV126
vs.	:	District Judge Thomas M. Rose
		Magistrate Judge Sharon L. Ovington
TODD W. SCHULZ, <i>et al.</i> ,	:	
Defendants.	:	

ORDER

This matter is before the Court upon Motion of Defendant, Todd Schulz, to Strike from the File the Plaintiff's Untimely Identification of Lay Witnesses (Doc. # 19), to which Plaintiff has not responded.

Defendant Schulz complains that Plaintiff filed her Identification of Lay Witnesses four (4) days after the expiration of the deadline set by the Court. As such, he argues that Plaintiff's Identification of Lay Witnesses should be stricken. Defendant Schulz offers no argument that he was prejudiced by such untimely filing except to note that Plaintiff had the advantage of receiving both Defendants' witness identifications before filing her own. (Doc. # 2).

While the Court certainly agrees that counsel are required to comply with the Court's orders, the extreme sanction of exclusion of Plaintiff's Witness List is not appropriate in the present circumstances. Rather, counsel for Plaintiff is admonished to

comply with all deadlines set forth in the Court's Scheduling Order and a failure to do so may result in the imposition of more serious sanctions.

IT IS THEREFORE ORDERED THAT:

Defendant, Todd Schulz's Motion to Strike from the File the Plaintiff's Untimely Identification of Lay Witnesses (Doc. # 19) is DENIED.

September 20, 2007

s/ Sharon L. Ovington
Sharon L. Ovington
United States Magistrate Judge